



## **Wenham Water Department**

### **Explanation of Water Surcharge**

August 2005

The Wenham Water Department has instituted a "Temporary Water Litigation Cost Recovery Fee" of \$20.00 per quarter to recover expended funds for our appeal of the Massachusetts Department of Environmental Protection's (DEP) Water Management Act (WMA) Permit. This fee will be effect for approximately one year.

Our appeal, joined by all other municipalities in the area, of the new DEP requirements for our water usage under the state Water Management Act resulted in costs in excess of \$185,000. These new constraints would drastically diminish our ability to use water for lawn and garden irrigation, as well as require us to raise our rates substantially. Although water conservation has always been one of our main focuses, we feel that the DEP's proposed WMA permit is not based upon science, and seeks to impose an inflexible "one size fits all" approach to water conservation rather than taking into account the unique circumstances found in Wenham. DEP is trying to force us to:

1. Reduce year round water use by 20%
2. Reduce summer use by an additional 17.5%
3. Regulate private irrigation wells with a town bylaw
4. Require a "VOLUNTARY" WATER BANS to be implemented when the Ipswich river flows go below 70 cfs at the Ipswich gauge between May 1<sup>st</sup> and September 30th. It appears that this will occur approximately 80 percent of the time, during a normal summer.
5. Require a MANDATORY WATER BAN on all nonessential outside water use when the Ipswich river flows go below 52.5 cfs at the Ipswich gauge. This would mean no sprinklers at any time, no pool or hot tub filling at any time, no car washing at any time, no rinsing walks, driveways or siding, and hand watering only from 5 pm to 9 am. This scenario occurs approximately 77 percent of the time during a normal summer.
6. If we fail to meet the above criteria, DEP can impose even harsher restrictions such as a complete mandatory water ban without the benefit of hand watering. They will force Wenham to pass and implement new bylaws and could fine Wenham up to \$1,000 per day.

These Requirements are an admirable attempt to restore flows to the Ipswich River. However, even if Wenham could abide by these criteria, there would be little or no effect on the Ipswich River. We feel that these demands are too drastic and will forever give control of our water to DEP. Considering that 72% of the water we use is returned to the Ipswich River via septic systems and our wells are located over one mile from the River, our impact is indirect and delayed. We also have one acre zoning due to the requirement for septic systems – the water requirement for this size lot is vastly different from high-rise and densely populated areas of a city, even though they are held to the same standards.

We spent a tremendous amount of time and resources to try to convince the DEP, The Ipswich River Watershed Association and the Administrative Law Judge (ALJ) that a more reasonable approach is warranted. We are now awaiting a determination from the ALJ, which was due to be issued in July.